

Service Date: July 10, 2003

FINAL ORDER NO. 6535

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION  
P.O. Box 202601  
Helena, Montana 59620-2601

IN THE MATTER OF **Marvin R. Black, Jr. dba**            )  
**Shelby Services**, Shelby, Montana, Application for a    )  
Montana Intrastate Certificate of Public Convenience   )  
and Necessity.    )

Docket No. T-03.29.PCN  
Order No. 6535

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On April 16, 2003, **Marvin R. Black, Jr. dba Shelby Services**, 126 2<sup>nd</sup> Street S, Shelby, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Passengers between all points and places in Shelby, Montana and a 100 mile radius thereof.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public May 7, 2003. That notice said in pertinent part:

If no written protests are received by May 26, 2003, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Powder River Transportation Services, Inc., Gillette, Wyoming, Carol T. Place dba Tour de Great Falls, Great Falls, Montana and Rod Rick dba P. S. Limo Service, Havre, Montana.

4. All protests were withdrawn after the Applicant restrictively amended the application. The amendments are incorporated into the Order granting authority herein.

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

#### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on Tuesday, the 8th day of July, 2003, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-03.29.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Marvin R. Black, Jr. dba Shelby Services**, Shelby, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B – Passengers between all points and places in Shelby, Montana and a 100 mile radius thereof. LIMITATIONS: 1) Transportation in limousine service is prohibited. 2) Transportation of rail crews is prohibited. 3) All transportation to Great Falls, Montana must terminate at the Great Falls International Airport, or the Benefis East Hospital Campus, or the Benefis West Hospital Campus or medical offices. 4) All transportation movements that originate in Cascade County must terminate outside that county. 5) Transportation is limited to seven (7) passengers or less.

IT IS FURTHER ORDERED that a full, true, and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 8th day of July, 2003, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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BOB ROWE, Chairman

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THOMAS J. SCHNEIDER, Vice Chairman

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MATT BRAINARD, Commissioner

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GREG JERGSON, Commissioner

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JAY STOVALL, Commissioner

ATTEST:

Ann Purcell  
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-03.29.PCN in the matter of **Marvin R. Black, Jr. dba Shelby Services**, Shelby, Montana has today been sent to all parties listed.

MAILING DATE: July 10, 2003

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FOR THE COMMISSION

FIRST CLASS MAIL

Marvin R. Black, Jr.  
dba Shelby Services  
126 2<sup>nd</sup> Street S  
Shelby, MT 59474

Powder River Transportation Services, Inc.  
PO Box 218  
Gillette, Wy 82717-0128

Carol T. Place  
dba Tour de Great Falls  
PO Box 27  
Ulm, MT 59485-0027

Rod Rick  
dba P. S. Limo  
935 Fourth Street  
Havre, MT 59501

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel  
616 Helena Avenue  
P.O. Box 201703  
Helena, MT 59620-1703